A BRIEF

RESOLUTION

Of the preſent Caſe of the

SUBJECTS

OF

SCOTLAND,

In order to Epiſcopal Government, by Sacred Authority re-eſtabliſhed in this

KINGDOME.

OR,

Epiſcopus Scoticanus Redivivus.

For the ſatisfaction of the People.

AUTHORE PHIL-ALETHIO.

Hoſ. 10. 4. *They have ſpoken words, ſwearing falſely, in making a Covenant; thus judgement ſpringeth up as hemlock in the furrows of the field.*

Numb. 30. 5, 8, 12, 13, 15, 16. *If the husband or father, ſhall any wiſe diſallow of the vows or oaths, of his wife or daughter, after that he hath heard them; they do become void, and neither ſtand nor bind; and the Lord ſhall forgive her, becauſe the husband or father diſallowed her.*

Printed in the Year, 1661.

A BRIEF RESOLUTION Of the present Case of the SUBJECTS OF SCOTLAND,

In order to Episcopal Government, Re-established by Sacred Authority in this KINGDOME.

CASE.

Whether the Lieges of Scotland, *have any real necessity imposed on them by any Oath or Covenant, to any just scrupling of closing with Episcopacy, to which by Sacred Authority this Kingdom is lately restored.*

With what Caution and Wariness men ought to imbarque themselves in all manner of Engagements, needs not much Oil or Labour spent upon the Enquiry; Scripture alone is sufficiently able to instruct us, sometimes terming it a bond, *Ezek.* 20. 37. Sometimes a snare, *Prov.* 6. 2. And verily he who doth unadvisedly engage, doth many a time intangle himself in an intrigue of inextricable difficulties, out of which, he cannot so easily winde himself; especially in the matter of

of Oaths in the time of popular confuſions; Men then being obnoxious to ſo many precipices of danger, in making Ship-wrack of Conſcience, through Errour and Miſ-priſion, on the one hand; with fear and force, on the other. We need not much Range abroad in the inqueſt, after witneſſes to this truth, our own home-bred late popular Covenants and Engagements, bearing ſo much lamentable evidence of it upon them, to this very day; whileas theſe are ſtill made uſe of, as the Maſter-engines of ſome Poly-pragmatick-Male-contents, for ſtaving of, honeſt and well-meaning People, from that duty, they owe to God, their Mother-Church, and our Gracious and undoubted Soveraign, by making it their conſtant and zealous endeavour to invegle the people, by preſenting theſe as indiſpenſable Bonds, which are, indeed, but ſo many ſnares, and ſo many Flaxen Fetters and Cob-webs, which themſelves in the moſt eſſential Points, do break through at pleaſure, (as God-willing ſhall be made clearly to appear, in the ſequel of this Diſcourſe) and yet amuſe the Vulgar, who reach not to the depths of things, as if theſe were inviolable and indiſſoluble ſacred wyths, wherein they muſt ly tied neck and heel.

That therefore, we may make appear, how far, the late Oaths, Covenants, *&c.* whereby the people of this Land did engage themſelves, againſt Epiſcopal Government, in this Church, do bind, and how far they may be diſpenſed with, as to an after-performance, and ſo whether to be reckoned among Sacred Bonds, or ſinful Snares: I ſhall (howbeit aſmuch hath been already ſaid, to diſcover the ſinfulneſſe and invalidity of theſe Oaths, *&c.* by His late Majeſty of Immortal Memory, in His Admirable Book, and Debates, *&c.* and by the Learned & Renowned Doctors of *Aberdene*, in their Demands & Duplys, as may put to ſilence all thoſe who, together with their duty, have not forfaulted a Sober, Rational mind) lay down very briefly, ſome few irrefragable Propoſitions concerning the bindingneſſe of Oaths and Covenants in the general; from which, I ſhall draw a reſolution of the Caſe in hand, by way of Corrolary; and then leave it, upon the ſober, and impartial conſideration, of all un-prejudged, to reſolve, whether theſe Covenant-Engagements be the indiſpenſable Oaths of God, (as ſome do uſually phraſe it, for amuſing the ſimple) or not. As for theſe Principles and Propoſitions, which, (I truſt) may infer a full and ſatisfactory ſolution of the preſent Caſe; I ſhall, ſtudying brevity, reduce them all to theſe eight, following.

Propoſ. 1.

Propoſ. jma. There is this firſt Propoſition. No man may ſwear, or by ſubtilty or violence induce others to ſwear, unlawfully. This is full of evidence; none being free to ſin, or any-wiſe to engage others to ſin; but to ſwear, or to induce another by any means, to ſwear unlawfully, is, beyond all peradventure ſinful; and therefore. *&c.* but we leave this on its own evidence, and goe to the next.

Propoſ. 2da. There is this ſecond Propoſition. That is not a lawfull or juſtifiable Oath, which is not attended with Truth, Righteouſneſſe and Judgement. This Propoſition is borrowed, from the Prophet *Jeremiah*, *Jer.* 4. 2. *Thou ſhalt ſwear, the Lord liveth, in truth, in righteouſneſſe, and in judgement.* Where we find the Holy Ghoſt, laying down three grand qualifications of a lawful Oath; *viz.* 1. That it be in truth; which requireth not only, that the thing ſworn be true, but alſo, candor and ſincerity, in the undertaking, without all falſehood and double-mindedneſſe. 2. That it be in righteouſneſſe; which requireth, that the thing ſworn, be juſt, and in it ſelf lawful to be undertaken: which is all one with that which Judicious Caſuiſts ſpeak, *viz.* That the Oath be undertaken, *Super re licitâ*; Since God is not to be aſſum'd, either for Witneſſe or Over-ſeer of a thing ſimply unjuſt (as, if the matter ſworn be unlawful, he is) who is a God of moſt pure eyes, and cannot behold iniquity: And moreover, becauſe it binds a man, to the doing of a thing, which yet the very intrinſecal condition of the matter, refuſeth a performance of. Upon this ground, *Herod* was not bound, notwithſtanding his promiſe and oath, to deliver the *Baptiſt's* head, to *Herodias* her daughter; no more, were theſe fourty Conſpirators againſt St. *Paul*, *Act.* 23. 12, 13, *&c.* Neither, *David* by his having ſworn and vowed the deſtruction of churliſh *Nabal*, 1 *Sam.* 25. 22, *&c.* And then 3. that it be in judgement. Which requireth, that the thing undertaken by Oath, be not unmeet and undue to be performed, but due and convenient, and, which is moſtly imported, that it be deliberately and penſiculately ſet about. Theſe three qualifications, are ingredients abſolutely neceſſary, for conſtituting a lawful Oath; being, that it is intrinſecally ſinful, to ſwear either falſly, or unjuſtly, or to ſwear the performance of that, which is unmeet and inconvenient to be undertaken, as alſo, to engage raſhly, unadviſedly, and without deliberation into any Covenant or Oath whatſoever. But,

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Propos. 3*ia.* There is this third Propoſition. A promiſſary Oath, which is undertaken, to the certain prejudice of another mans juſt right, cannot be attended with juſtice. This needs not much debate upon its evidence; being, that *Juſtitia tribuit cuique ſuum*, Juſtice being a vertue, whereby, to every man his Due, and Own are rendered: If therefore any Oath engage, to the performance of that which doth clearly prejudge any other, in that which is his due and juſt right, it is an unrighteous Oath, and becauſe of its injuſtice, is, of it ſelf, vacated from being binding or obligatory. But,

Propos. 4*ta.* There is this fourth Propoſition. No prejudice or violence, done to the right of any other man, can be ſo highly dangerous and ſinful, as that prejudice and violence which are done to the juſt right of the Supream Magiſtrate, and His Soveraign Authority. This is undeniably irrefragable; for, in ſo far, as the Publike Intereſt is beyond the Private, in regard of worth and excellence, and as to intemerable preſervation; ſo far is the prejudice done to the juſt right of the Soveraign Magiſtrate and His Authority, incomparably ſinful, beyond what can be done to the right of any private Subject or Subjects whatſomever. But,

Propos. 5*ta.* There is this fifth Propoſition. The juſt right of the Soveraign Magiſtrate and His Authority, is egregiouſly trampled upon and prejudged, when private Subjects encroach upon it, and do upon ſuſpition or jealouſie of diſallowed intentions or actions of their Soveraign Princes, combine, confederate or binde themſelves to Allow, Enact, or Eſtabliſh any thing (much more, to reverſe or repeal allowed eſtabliſhed and ſtanding Laws) concerning any matters belonging to Religion, (upon the wele or ill adminiſtration whereof, the greateſt ſecurity or ruine of a State depends) without much more againſt the conſent and command of lawful Soveraign Authority. This Propoſition is clear, not only from the Municipal and known Laws of this Kingdom, but even from the very Law and light of nature it ſelf; for it is obvious to every Tenderer of Soveraignty, that it is one of the choiſeſt and moſt inviolable Jewels of the Crown of a Supream Power, to which none are co-ordinate, but all ſubordinate, as to every Supream Power, as Supream, all muſt needs be; *viz.* That no Popular Combinations, Bonds or Leagues, ſhould be among Subjects, upon what ſcore or pretence how ſpecious ſoever, without, much leſſe againſt the conſent and command of the Authority

forſaid;

foresaid; for, and if it were free for Subjects, thus at pleasure to Combine, Confederate, &c. A King (in which the Supream Power, in a true Monarchy, resides) were but a bare, weak, titular King, and shaddow only of a Soveraign, depending *precario* upon the Subjects, whom at pleasure they might cast off or destroy; nay, and of it self, it opens a patent door for the eversion and ruine of all Government and Supream Power, so that any who will, may, by a Confederacy rebel, upon one pretext or another. Hence it's evident, there can be no greater encroachment upon, no higher prejudice done unto Soveraign Authority, then for Subjects in any-wise to Combine or Bind themselves, against the Supream Royal Will and without consent of the Soveraign. And, if it be, so high a prejudice done to the just right of the Soveraign, for Subjects in any case to Combine or Confederat without him, were it even to the carrying on of standing and known Laws; what a heinous injury must it infer, upon the Soveraignes just right? for Subjects to Combine for the reversing and repealing of established and standing Laws, without, nay, and forcibly against Royal Commands: is not this, the most superlative and transcendent prejudice, which can be done to the just right of the Supream Authority?

But here now, that we may a little more unfold this Propositi-on; it would be noticed that it is deem'd a favourable plea by some, for Subjects, tho in no case else, yet in the Concern of Religion, to Combine and Confederate, without the allowance or consent of Soveraign Authority, for redressing abuses and reforming disorders therein; especially when the Supream Magistrate being required thereto, doth deny his concurrence, and withhold the shoulder. But such men, they are not aware, that in this they joyne issue with Phanatick *Anabaptists* and the bloodiest of the Popes devotionaries (who with them, in this, resemble *Sampson's* Foxes, being linkt together by the Tails, though their Heads look different wayes) and with them cry up the lawfulnesse of carrying on a Reformation in Religion, by outward force and violence: so much contrary to the wayes and Word of God, *Joh.* 18. 36. *My Kingdom is not of this world*, &c. *If it were, my servants would fight.* Where, blessed Christ Jesus doth plainly insinuate, that His Kingdom being spiritual, cannot, must not, be advanced with temporal armes: for the weapons of the Christians warfare, are not *Carnal*, but *Spiritual*, 2 *Cor.* 10. 4. There is no command from

from Christ to kill and slay the common enemies of our Religion, but contrariwise to pray for our persecuters, and not to resist evil, *Matth.* 5. 44. See also other Scriptures, such as *Zech.* 4. 6. 1 *Tim.* 6. 2. and 2 *Tim.* 2. 25, *&c.* Nay, and this course, it is against the very nature of Religion it self; for, faith which is the Soul of Religion, is an inward act of the soul, which all the force in the world, can neither plant nor extirpate; *Nam suadenda non cogenda est.* Conformable to this, was the constant Doctrine and Practice of the Pious, Sober, Primitive Church (which had learned better what belong'd to Authority, then to resist the Ordinance of God, even in a Heathen *Cæsar*) whose Religion enjoyn'd them not to kill, but to be killed for it; Nor was this for want of ability but of Authority: As we read in the most Ancient Apologists for the Christian Faith, such as *Arnob. Lactant. Cyprian: cont. Demetr. Tertull. in apol. & ad Scap. Just. in Tryph. August. in Psalm.* 144. *Ambros. in luc.* 22. 38. *Athan. epist. ad solit. vitam agentes, &c.* Then further, Popular Reformation, or Covenanting for Reformation of Religion without concurrence of the Supream Magistrate, hath no warrantable president, but rather to the contrary in Sacred Writ: See those Scriptures at convenience, *Deut.* 29. 2, 10, 11, 12, *&c. Josh.* 24. 25. 2 *King.* 23. 23. 2 *Chron.* 15. 8, 12. and *cap.* 29. 3, 10. and *cap.* 34. 31, 32. *Ezra* 10. 3, 4, 5. In all which and in many the like, you have ever the Chief Magistrates, *Moses, Joshua, Hezekiah, Josiah,* &c. concurring; or rather going before the People, (as their place requir'd) in the several Reformations therein mentionate; but no where the people Covenanting upon a Reformation of Religion (even in times of the worst of Kings) without concurrence of the Supream Magistrate: *Arise, for the matter belongs to thee* (saith the whole Assembly of Elders there met) *to Ezra, the prime Ruler*; in that cited place, *Ezra* 10. 4. To shun the force of which Argument, and for a sinful impairing the Supreme Power of the Soveraign; some have fancied a supposed co-ordination of power (I shall not once name these, whose impudence hath imboldned them to assert a monstrous Subordination of the Soveraign to the People) betwixt our King and His People in their representative Meetings.

This, indeed, is the Arch-pillar, upon which some of no small Note, have laid the stresse of their Cause, for the supportment of the lawfulnesse of Popular-reformings, without the Supreme and Royal Consent. But, surely, this, as it is a most pernicious, so a most

moſt empty, airy, inconſequent ſpeculation. Inconſequent, becauſe, if a co-ordination of Soveraign Power, be ſuppoſed twixt King and People; then a joynt concurrence of both, in every act of Supreme Power, is neceſſary, if the act be not ſpurious and illegittimate: ſo that by this, the people, *de jure*, may no more reform without the King, then the King without the People; both ſingly conſidered (according to this dream) being but *Subjecta poteſtatis ſupremæ partialia*, and both joyntly conſidered only, the adæquat and complete ſubject of Soveraignty. Empty and groundleſſe, for, what a wilde imagination is it, to place a co-ordinate power with the King, in the repreſentative Body of the People, when the Soveraign only, hath by fundamental Law, the right of calling, and then of diſſolving, at pleaſure, the ſaid Body; and what an abſurd phœnomenon muſt it needs be? to conceive in a body, a co-ordination twixt the Members and the Head thereof; and the King is the Head of all the Tribes, 1 *Sam.* 15. 17. and ſuch an Head, *Ubi ſedes meri imperij eſt.* But further, this whimſey is repugnant to the true condition of Monarchy; for, this ſuppoſed co-ordination of the Supreme juſtive Power, muſt neceſſarily infer or ſuppoſe a communicability of the Soveraign Power, to more then one; which, notwithſtanding, in true Monarchy, is ſo properly belonging to, and ſo inſeparably ſetled in the Perſon of the Soveraign Prince, as that it cannot be derived or communicated to any other, ſave only in way of deputation and commiſſion when and how far forth himſelf pleaſeth, in the outward exerciſe and adminiſtration of the ſame. Since as *Bodin* rightly giveth it; *Neceſſe eſt ut regnum quantumcunque eſt, ac jura omnia Majeſtatis, in ſolidum UNI, partitione ſublatâ, tribuantur; alioquin non Monarchia ſed Polyarchia dicetur. De republ. lib. 6. cap.* 8. And indeed, however many Sharers there are in the Supreme Power, ſo many Supreme Governours or Soveraigns (reſpectively, and according to the different Intereſts they have, more or leſſe) there ſhall be. Oh, what Chimera's of invention, wil men make uſe of to uphold moſt groundleſſe conceits, they have once embraced, for ſtrengthning and promoving of their ſinful and ſelfie deſigns and intereſts. But to leave this,

Prrpoſ. 6ta. There is this ſixth Propoſition. A juſtifiable Oath muſt be undertaken *in bonum finem*, for good ends and purpoſes; ends, conſiſtent with the welfare of our Neighbour, eſpecially of the Church and State we live in. (A clauſe, ſay Caſuiſts,

neceſſarily ſuppoſed, though not alwayes expreſſed in ſuch engagements) under this, much is comprehended; as, that a lawfull Oath cannot engage to the doing of any thing, repugnant or obſtructive, to the performance of ſome greater moral duty, one or another: ſo the Learned *Grotius, de jure belli, lib. 2. cap. 13. n. 7. Immo, etiamſi res quæ promittitur non ſit illicita, ſed majus bonum morale impediens; ſic quoque non valebit juramentum*, &c. Hence alſo it it is, that we ought by no means, to Vow, Promiſe or Swear peremptorly, againſt the doing of any thing, which yet the real equity thereof, either then, or upon occaſion farely offered, may afterwards juſtly require and efflagitate at our hands. The ground of this comprehenſive Propoſition, briefly is, becauſe, the greater moral duty, is ſtill to be preferred to the leſſer, as to practice and performance; and in affirmative precepts, this is acknowledg'dly evident; theſe being ſuch as oblige, *licet ſemper, non tamen ad ſemper*; as Divines univerſally take it.

Propoſ. 7ma. There is this ſeventh Propoſition. No Oath is or can be juſtifiable or of binding force, which is taken againſt a righteous, laudable Oath formerly ſworn. For, one lawful Oath can never make void another, much leſſe can an unlawful, vacat the obligation of a righteous Oath. It is a clear caſe reſolv'd by Judicious Caſuiſts, that a lawful Oath cannot be *contra pactum aliquod licitum prius initum*; for ſuch ſuper-fœtation of diſſonant Oaths or Promiſes, doth ever beget a direct nullity in the latter. So that he who hath ſworn Allegiance to the Soveraign, and to maintain Epiſcopal Government in the Church; (which we now ſuppoſe to be lawful) and thereby bound himſelf, to maintain the juſt Right, Power and Authority of his ſaid Soveraign, or the forſaid Form of Church-Government, he cannot, by any ſecond or ſupervenient Oath, be tied, to do any thing that may tend to the violation or infringement of his former engegement; and if he have ſo inſnar'd himſelf, the obligation is, *ipſo facto*, void and null. But,

Propoſ. 8va, & ult. There is this eight and laſt Propoſition. A man is bound in conſcience, to reveſt, renounce and diſclaim that, Which he was induced to engage himſelf by Oath, unlawfully to perform. For, an Oath, which is, *Sacramentum pietatis*, as it is in the mouths of all, cannot be *vinculum iniquitatis*, cannot be a bond of iniquity. No man can be, by any raſh Oath, or any Oath whatſomever, engaged ſo, as to ſtand oblidged, to do

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and perform that, which is in it self sinful and unlawful to be done; but bound in conscience to break that snare which was never a real, but meerly a supposed Bond. *Aquinas* saith well, 2da, 2dæ. *quæst.* 89. *Jurans illicitum, peccat jurando, & peccat servando.*

Over and beyond all these, there are (I know) many other cases, in which, the person once engaged to act, may be disobliged from a necessary performance; as, when he promises or swears, to perform somewhat impossible, and beyond his reach; *De impossibilibus, enim, nemo tenetur*, is the received maxime: or, when his condition is notably changed, from what it was, when first he entered the obligation; for then, some inevitable and remediless impediment, may obstruct the performance: and many such-like useful Cases may be touch'd upon; but the Propositions already laid down, are the most Catholick or Universal and surest Land-marks, by which, we may examine the legality and bindingness, of whatever engagements; where they fail All, or any of them, the supposed Promise or Oath, doubtless, becomes void and frustrate; intangle us it may, in the Snares and Bonds of sinfulnes, as the wise man calls them, *Prov.* 5. 22. but not oblige us to a necessary performance of the thing undertaken; not even then, when as we freely and voluntarily incur the snare, much lesse, when it is forced upon us (which is much to be adverted in our present disquiry) by an over-awing, prevailing Faction; This loosens and weakens the ty much, if superveening thus to other circumstances; for, *Non potest id civium consensu factum censeri, quod ereptâ libertate fiat. Bodin. de rep. lib.* 2. *c.* 5.

And now, if our late Oaths, Covenants and Leagues, be squar'd according to these irrefragable rules above recorded; what bindingness or obligation may be found in them, will be easie to determine and resolve, by their impingence upon most of the forsaid Propositions: All these popular and tumultuary engagements, being in their very essence, combinations among factious Subjects, without aud against the known will and consent of Supreme Authority, and that, not to carry on or pursue laudbale and setled Laws, but (without all paralell) to reverse and repeal established and standing Laws, against the Royal Will of our Soveraign Lawgiver; and, therefore, in the judgement of the most rigid at this day, acknowledged to have had much sin in them, upon this very Score. Much might be said in discovery of the sinfulnesse and unlawfulnesse of these late Covenants and Oaths; not only in re-

gard of their efficient Cauſe, as made by Subjects againſt the will of their Soveraign, in ſuch things as neceſſarily required His conſent: but further, in reſpect of their ſubject-matter, as being guilty of high injuſtice to the right of the King, both in the matter of combination without Him, and of conditional Allegiance to and preſervation of Him, as alſo, the altering of Religion eſtabliſhed by Law, without His conſent; and as engaging, to accuſe all Malignants (not accepting a mans own ſelf) and to endeavour that all ſuch, may be brought to puniſhment, without hope of mercy or pardon; binding alſo to pull down the eſtabliſhed Church-Government, before agreement upon another; and every man to go before another in the example of Reformation, without either waiting for the Miniſter to direct, or Magiſtrates Authority to lead the way; then theſe, what can be more unjuſt? binding alſo to impoſſibilities; as, to defend and aſſiſt ALL that engage into theſe Oaths; and never to offer their opinions to neutrality or indifferency: the very taking alſo of theſe Oaths, was, *in fact*, directly contradicent to the formal words thereof; for, whereas they ſwear to extirpate Schiſm and Faction and to preſerve the Liberties of the Kingdomes and Authority of the King; The very taking and enforcing of theſe Oaths, being a vowed Schiſm from their Mother-Church, a ſworn Faction againſt their more Loyal Neighbours, the greateſt prejudice to the Liberties of the Kingdoms, the taking of theſe being deſtructive to all legal Publike Liberties; and the higheſt contempt that could be offered to the Kings Authority; as appeareth not only from what is above-ſaid, but further in this, that ſome of theſe Oaths did engage, abſolutely to preſerve the power of Parliaments, but the Kings Perſon and Authority with reſervation; for this end (*forſooth*) that the world may judge of their Loyalty, and how they had no intention to diminiſh his juſt Power. But leſt this ſhort word, by inlarging on theſe and ſuch like peccancies of theſe late Covenant-Oaths, ſhould ſwell into a volumne; We ſhall forbear: Nor ſhall we ſpeak of the unparalelled fraud and force, practiſed in impoſing theſe Oaths, upon honeſt and wel-meaning Subjects; neither of the grand impoſtur's, whereby factious and ſelf-deſigning men, did ſpecioufly uſher-in and drive-on, their own baſe carnal intereſts, under the colour of the Intereſts of Jeſus Chriſt, in our ſadly-experienced late Tragedies: And ſhal briefly, draw a corrolary, from theſe above-ſpecified Propoſitions, concerning

cerning the Point of Episcopal Government in this Church, and the seeming obligation of the Subjects in this Land, by their Oaths and Vows, against it. And it is this. 1. That these Oaths, in the first place, were, in the judgement of many of the most Sober and Learned, simply sinful and unjust; upon the score of their tendency to the extirpation of that form of Church-Government, which they conceived to be of Divine Right and Institution; so that in order to all these, who were then, or are yet, of perswasion, that Episcopacy is, *jure divino*, these Oaths cannot be supposed to be any wise in point of conscience binding: And, sure, more may be said, for a Divine Right and Institution, of an imparity in degrees and even in office, among Church-guides, and so, for Episcopacy, then can be, for any other Form, or Model of Church-Government in the World. But, Secondly, Passing this, and supposing only Episcopal Government to have been, upon the matter, indifferent; (as, I trust, the more modest, sober and moderate will readily acknowledge) then, for Subjects to engage by Covenants or Oaths, for the utter extirpation thereof, without the concurrence of Supreme Authority, nay, and against the consent and expresse will of the Soveraign Magistrate, and the established standing Laws of this Kingdom, of which, the King alone is the Fountain and Origine; *Cum ipse sit author juris, ut Bracton. lib. 3. tra. 1. c. 9.* And as another eminent in Law, saith wele, *Vita & caput & autoritas in Principe est, omnium, quæ in republica agi solent.* How sinful, then, must needs these Oaths and Engagements, have been? How contrary to the just Right of the Soveraign? (Who in *Adiaphoris* and indifferents, is acknowledg'd by all, to be *Summus & Supremus Arbiter*) and therefore how invalid and insufficient, as to obligation upon any, who have been insnared by them; is obvious to every eye, that will not shut it self, against convincing light: How much, also, such are concerned heartily to homologat and close with His Majesti's Gracious Resolutions, in the present setlement of this long tossed Church; is as apparent. But, Thirdly, As to the most rigid, who (to the admiration of the truely Sober) would assert an intrinsecal unlawfulnesse and sinfulnesse, in Episcopal Government, however so wel regulated; I say, that even their Oath for the Extirpation of Episcopal Government, cannot oblige even as to them; being that for private Subjects by themselves, to endeavour to establish or prefer any new Law, however so just and laudable in it self, or

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to reverse and rescind any standing Law, however so unjust and sinful, against or without the Soveraign's Will and Royal consent, is heinously sinful and rebellious, and in it self, and *fine operis*, plainly Anarchical and eversive of all Government whatsomever: and, I trust, no Oath to act rebellion, sin or Anarchy, will be supposed by any sober, to be binding, unless it be to a speedy and hearty repentance; so that even the Engagements and Oaths of those who are most rigid in this matter, were in themselves, beyond all contradiction, sinful; and therefore can in no wayes be obligative even as to those: So that, upon what ever account else it may be, that it pleaseth some men zealously to engage against Episcopacy, in its present setlement and re-establishment, it cannot be upon the value of their Oath (as they would make simple people to believe, as if that were an indispensable ty stressing their consciences) that being in its own nature, sinful (all combinations without Soveraign consent, being such, as themselves will now freely acknowledge) and therefore they cannot but see themselves in conscience obliged to reverse and mourn for these their sinful Oaths. And to deal a little freely, so much talking of Oaths, and indispensable Oaths, with the frequent threats of the danger of perjury, which have been so much thundred out, to fright welmeaning and tender Christians; cannot be look'd upon by considering persons, but as so many methods and impostures to delude: whileas, even the most violent pressers of the bindingnesse of these Oaths against Episcopacy, do in their open professions and acknowledgements, renounce and disclaim the obligations of these Oaths, as to the combinatiou and confederacy that is in them (confederacies and combinations among Subjects, upon what pretext soever, without special allowance and consent of the Supreme Magistrate, being, by themselves acknowledged to be sinful and rebellious) which yet is, if not, the very *formalis ratio* and essence of these ensnaring Covenant-Oaths, yet doubtlesse, the prime object and main foundation of them: whileas also they acknowledge the unbindingnesse of these same Oaths, as to conditional and reserv'd Allegiance, by undue and unwarrantable limitations and restrictions; and yet still presse the Oath and its bindingnesse against Episcopal Government: and in a copulative Oath (such as these Oaths and Covenants acknowledge themselves to be) if the obligation, as to any one point, be dissolved and loosed, it can hardly be understood, how as to the whole or any other particular

particular, there can be any more bindingneſſe therein. What will the forſaid acknowledgments infer, being weighed in the ballance of diſcerning men, but that, were it not, that the fear of incurring the cenſure and penalties of treaſon, did overawe; theſe Covenant-Oaths, *&c.* would be ſtill vigorouſly aſſerted, to be as binding and obligative in point of combination, without and againſt the Soveraign Magiſtrate's conſent; and in order to conditional and limited Allegiance, as they are ſaid to be, in order to the point of Epiſcopacy. To diſpenſe with theſe Oaths and Covenant-engagements in theſe great Points and Intereſts, and yet, ſtill to ſet out the ſame as indiſpenſable tyes and Sacred inviolable Bonds, againſt Epiſcopal-Government; is not this handſomely to play the Pope? in diſpenſing in ſome more weighty, and binding conſciences, in lighter concerns of one and the ſame copulative Oath: or is it not rather (as ſome obſerving perſons, give it) to act the impoſtures, in impoſing upon the Peoples eaſineſſe and credulity, for upholding of the tottering *Diana* of a Para-mount Power, ſome have ſo ſinfully uſurped, and ſo tyrannically practiſed, and are yet ſo unwilling to part with, leſt the power of this Church be recovered into thoſe hands, out of which it was wreſted by violence and injuſtice.

And what a needleſſe noiſe is it, that is ſo much raiſed by the zealous clamors of ſome, againſt Epiſcopacy; may it not be remembered, that it was declared, by the contrivers and abettors of the Covenant, in its firſt riſe; that though they ſuppoſed Epiſcopacy to be againſt Law in *Scotland*, yet, they did not require any, by taking of the Covenant to abjure it, but that the practiſe of it ſhould be forborn and the matter referred to a free General Aſſembly. *See Miniſters Anſw. to the 4. dem. of the Doctors of Aberdene.* And one would think that the edge of ſuch prepoſterous zeal, might have been rather blunted then ſharpned, by theſe laſt three and twenty years exeperience. And is not Epiſcopacy a Government, which had its riſe in the Apoſtles themſelves, and by continual and univerſal ſucceſſion, hath ſince, been ſtill owned and practiſed by the Chriſtian Church; as the continued ſucceſſion of Biſhops in the See's of *Alexandria*, from *Mark* the Evangeliſt; in *Jeruſalem* from *James* the Apoſtle; in *Antioch* from *Peter* &c. ſhew, If hiſtorical credit may be given to ſuch Worthies, as *Irenæus*, *Euſebius*, *Socrates*, *Theodoret*, *Hierom*, with many other grave and famous Eccleſiaſtick Writers; in ſo much

much, that *Aerius*, for affirming a Bishop not to be above a single Presbyter, was generally reputed by the Christian World for thirteen hundred years together, as well in the Eastern as Western Church, for a down-right Heretick: a Government which hath been still owned in the Church of *Scotland*, when Order and Government did overtop Faction and Interest, and ever still, till Seditions, Tumults, Insurrections and Rebellions did go current for Discipline and Order: And in a word, a Government, which by the universal consent of the Churches of Christendome, both in *Asia*, *Africk*, *Greece*, *Russia*, and other parts of *Europe*, that never acknowledged any subjection to, or dependance upon the See of *Rome*, hath been constantly embraced, and the Opugners of it generally branded for Hereticks; which of all other Forms hath undoubted the best Title to Divine or Apostolical Institution; against which nothing is, or ever could be, objected, but the humane infirmities and personal failings of some particular men, from which no Government is or can be totally exempted and priviledged; which, in the most of these few Churches who want it (some whereof are under the want of Bishops, because they cannot tell how to come by them, their Princes being of a different Religion, and so will allow none but of their own; others there be, who are willingly without them, because setled in such a Government, as they find most suitable to a Popular State, and dare not venture upon a change; all others enjoying the felicity of Episcopal Government, either the thing and name both, or else the thing under another name, *viz.* Superintendents, Inspector's, *&c.*) by their best and ablest Ministers, hath been frequently desired. Our practise, sure, is without all parallel, in that never did we read of any Church, before a misleading Faction in this our Church of *Scotland*, that ever turn'd out their Bishops (if they were of the same Religion) vowing to root them out by the Sword, contrary to the command of the Supream Lawful Magistrate. So that we must needs accuse all the World besides our selves, of folly, Antichristianism and ignorance, or then resolve to forbear our peevish quarrellings against this Government of the Church by Bishops, to which through God's Mercy, and His Majesties care, this broken Church is again restored. To all the former it may be added, that in all the Bible it is not to be found, that the power either of Ordination or Jurisdiction, ever was exercised by a single Presbytery (yea, and it is none of the least

leaſt of doubts, whether there be mention of any judicial conſiſtory of ſingle Presbyters *ſimpliciter pares*, in all Sacred Writ) without delegation from, and in a dependence upon a Superiour Power, reſiding in a ſingle perſon. If then, the deſign of ſome Zelots againſt Epiſcopacy, may not ſeem to have worſe at the bottome, and do not tend to lead Subjects into miſconſtructions of His Majeſties Gracious Intentions, let the impartial, determine. So that, to draw towards a concluſion, we may ſee, how contrary ſuch Oaths and Vows are to the duty which good Subjects, by vertue of their relation, and as Subjects, they owe to their Soveraign; how contrary to due Allegiance; how obſtructive and repugnant, to the performance, of the great moral duty of obedience, due by Subjects to Supreme Authority, and the eſtabliſhed Laws thereof; as alſo, how inconſiſtent with the welfare of the Church, and State we live in; and conſequently how ſinful, is eaſie to diſcern by comparing theſe Oaths, *&c.* with the irrefragable Propoſitions, above ſet down.

And therefore, if any (according to our laſt Propoſition) good Subject or Subjects, have been drawn, by any pretence, perſwaſion or force whatſomever to bind himſelf by Oath or Covenant againſt Epiſcopal Government, which was, and now again is eſtabliſhed by Law; he hath not ſworn in juſtice, but engag'd himſelf to the certain prejudice of His Soveraign's juſt Right, by a ſinful combining with private Subjects againſt His Authority, to the doing of many things contrary to eſtabliſhed Law, and (which is moſt impious) by endeavouring to introduce the form of a Solemn Oath upon a matter ſo incapable of, and indiſpoſed for ſuch a Form; if any, I ſay, hath been thus engag'd, he is obliged, in duty and conſcience to diſclaim, reverſe and renounce his ſaid act; otherwiſe, beſide the horrid ſcandal which he ſhall draw upon the Reformed Religion, he doth run himſelf upon the breach of the third Command, by making his Oath, a bond of iniquity. And for the further ſatisfaction, of the ſatisfiable; it may ponderate, that the power impoſing theſe Oaths, was originally invalid and naught; and where the fountain is corrupt, the ſtreams iſſuing thence, can by no means run clear, *Nam quod deeſt in cauſa deeſt in effectu*; And therefore, what is done in vertue of ſuch invalid power, can ſcarce amount to right or lawful; as grounded upon ſuch a rotten *Baſis* of pretended Authority. And, which ought exceedingly to ſatisfie Subjects, in their diſ-obligation from theſe

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enſnaring tyes, Our Father, I mean, *Pater Patriæ*, without whoſe conſent, no vow or engagement of the childe is obligative, as we may ſee, *Numb.* 30. 4, 5, *&c*, that a Virgin or a Wife making a vow without conſent of the Father or Husband, is diſ-obliged therefrom, if the Husband or Father hearing of the vow, do diſallow thereof; and, we being, in a moral ſenſe, as much at the diſpoſe of the King, the Father of the Countrey, the Civil Father of us all, if not more then Children at the diſpoſe of their natural Parents, whileas the vows forſaid are diſpenc'd and irritate by Him, they can be no more binding tyes to us, (ſuppoſe them otherwiſe lawful) and we, His diſſent being any wayes ſignified to us, are diſ-oblig'd and no more bound, but may forgo theſe vows; and in our ſo doing, the Lord will forgive us, as it is in *Numb.* 30. 6. forgive us, not for that we renounce theſe Vows, that being duty; but for our raſh or cowardiſh engagement in them, without due conſent, that being our ſin.

If it be ſaid, that, our Civil Father, His Majeſty His conſent was indulg'd to theſe Engagements, which may therefore be ſtill ſuppoſ'd to be binding, To this it is replied. Firſt, This doth not take away the unlawfulneſſe of any of theſe Oaths and Vows, which were undertaken, antecedently to any Royal and Authoritative conſent thereto procured; ſo that ſuch who before that before-alleg'd conſent, did engage in theſe combinatory Oaths, did therein heinouſly ſin, ſo that theſe are thereby oblig'd to nothing but Repentance; The firſt *Swearing* and Covenanting at leaſt, being rebellious and ſinful. But, Secondly, Any Royal conſent that ever was procured or granted, was a violented, coacted conſent, and therefore, in Law, to be look't upon by all honeſt Subjects, as a non-conſent, *coactus enim conſenſus, nullus*; ſo that the Princes involuntary and conſtrained yeelding and ceding to a prevailing Faction, affords and layes no juſt title or ground of obligation, no not upon Himſelf, in the exteriour Court, much leſſe upon His Subjects: *Nam, ex actione involuntaria, non naſcitur, obligatio. reg. juris. vid. cod. lib. 2. tit. 20.* And then, Thirdly, That ſuppoſed conſent of our preſent Soveraign, is obvious to the eye of all the World, to have been forc'd and coacted; He being by a Faction in this Kingdome, at that time, moſt undutifully, and diſloyally kept, as a Noble Priſoner, rather then a free King, and by them violented, to give colour of life to theſe things, which in their very nature did bereave Soveraignty of its

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breath: and therefore that consent is now repeal'd, as appeareth from His Majesties present Resolutions, and His High and Honourable Council, their Proclamation, of the date *September*, 1661. relating to Church-Government. So that hence no shew of any title of obligation, as to these Vows and Oaths, doth affect the Subjects, but rather to the contrary; His dissent being of equal force to disoblige, as His consent is, to ty or oblige.

And now, by this time, I trust, it doth appear, that for any stiffly to oppose the setlement of this Church by Episcopacy, is so unwarrantable; that none who hath any sense of Religion to God, of charity to their Mother-Church, or of grateful duty to their Gracious King, will presume to justifie; and, if any will prove so peevish; Subjects, I trust, know better how to value Peace, being so harrassed and spoil'd by the late intestine Divisions, then to be so easily engag'd again, to devote that little blood and treasure which remains, to the sinful and ambitious lusts of a few men whom, though our King and this Kingdom were not able to call to an account, (which yet they may find) yet there is a God in heaven, who seeth all their hearts, and will one day, judge and be aveng'd of all such their sinful actions.

By what is said, men may see, at any time, how weak the cords of an unlawful Oath, Vow, or Engagement are and how little they bind, save only to Repentance, and that for their unadvised rashnesse, if spontaneously undertaken, and for their cowardise, if through fear, submitted to. By this also it may appear to how little purpose, men make use of these tyes and fetters, that bind not in truth, but only ensnare; like to those cords wherewith *Sampson* was bound, and as easily upon occasion broken asunder; being, that there wants a twisting-in of these conditions required in the Propositions premised, to strengthen and confirm them: nay, so far are they, from holding fast the person Engaged, that upon a due back-search and examination, they help to set him looser; when as he shall seriously bethink himself of the guilt and burden of sin he yet lyes under; *Nam tolerabilius est promissum non facere quod turpe, est. Ambros. de offic. lib. 3. cap. 12.* no other way of escape, then, but by a speedy cancelling of the obligation.

Briefly, and to conclude this short word, for satisfaction (in which we have appeared, upon no other incentives, but, of conscience, of Loyalty, and of zeal for order and beauty, in this our Mother-

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Mother-Church) of the Scrupulous; Where the Promise or Oath, both for matter and manner, is rightly undertaken; we cannot be too anxious and solicitous in keeping of it, so *Matth.* 5. 33. *Religiosè observa juramentum*: was one of *Pythagoras*, his first lessons to his Disciples; yea, God himself, hath vouchsafed it a room, within the catalogue of his most glorious titles, of being faithful, and keeping Covenant: otherwise, where fraud or force, with the like, shall happen to interpose, and withall, the matter, in many respects above-specified, be injustifiable; concerning such an obligation, when, or whersoever undertaken; the best resolution, in my humble opinion, is, that it is ill taken and worse kept; nay, and is of it self void from the beginning, and binds to nothing, but, what I heartily wish, all may find in the end, *REPENTANCE.*

FINIS.

Si quis necessitate coactus juraverit, pignusve posuerit, quo is ad insidias Domino suo parandas, vel opem, injuste cuivis ferendam, adstringitur, resiliat potius quam quo cœpit, insistat, suademus. L L. *Alured. c.* 1.

Consilium, prudensque animi sententia jurat,
Et nisi judicii, vincula nulla tenent.